

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 259 of 1997

with

APPEAL FROM ORDER No 260 of 1997

with

CIVIL APPLICATION No 5041 of 1997

with

CIVIL APPLICATION No 5043 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE Y.B.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

SHILPA SHREEKANT SHAH

Versus

NEW SIDDHI FLATS OWNERS' ASSOCIATION

Appearance:

MR UDAYAN P VYAS for Appellant/Applicant
in A.O. 259/97

MR SN SOPRKAR for Appellant/Applicant
in A.O. 260/97

MR RS SANJANWALA for Respondent/Opponent No. 1

NOTICE SERVED BY DS for Respondent/Opponent No. 2

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 18/12/98

COMMON ORAL JUDGEMENT

1. Heard the learned counsel for the respective parties. As a result of the hearing and discussion, a consensus was arrived at between the learned counsel appearing in both the matters on the basis of which the following directions are given.

(A) The trial court shall hear and dispose off the pending Civil Suit No. 440/97 as expeditiously as possible and in any case not later than 30th June, 1999. Learned counsel for the respective parties have assured this Court that the respective parties shall cooperate with the trial court in the early disposal of the suit as directed. Mr. Gautam Gariwala, who is a representative of the plaintiff is also present in Court and instructing Mr. Sanjanwala in the matter.

(B) If however, the suit is not disposed off by the said date, the trial court may (after hearing the parties) record a finding as to whether the defendants and/or either of them are responsible for the non-disposal of the suit as directed, or not. If the trial court records a finding that the defendants and/or either of them are responsible for non-disposal of the suit as directed, the interim orders passed in the present appeal shall stand vacated ipso facto qua the defendant or defendants responsible for the delay in the suit, and the order impugned in the present appeal shall become operative. It is clarified that until the suit is decided and/or until the trial court records such finding as aforesaid, the interim orders passed in the present appeal shall continue to operate.

2. In view of the aforesaid directions, learned counsel for the respective appellants in these two appeals do not press these appeals for any further reliefs and the same are accordingly disposed off with no order as to costs.

3. Subject to the aforesaid directions, the Civil Application No. 5041/97 and C.A. No. 5043/97 also stand disposed off with no order as to costs.

4. The Registry is directed to send yadi to the trial court forthwith i.e. not later than 23rd December, 1998. Direct service is also permitted.

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